IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.3166 OF 2005 IN

WRIT PETITION NO.8014 OF 2005

along with Writ Petition No.8014 of 2005

Shri S.D.Badgujar, .. Petitioner.

Vs

1. Nashik Municipal Corporation

and Anr. .. Respondents

Mr L.D.Vakil i/b Ram & Co., for the petitioner.

Mr R.V.More,for respondent nos 1 and 2.

Ms P.S.Cardozo, for respondent no.3.

CORAM : V.G.PALSHIKAR, Ag.C.J., &

D.B.BHOSALE,J.

DATE : 06.12.2005.

PC:

1. Heard the learned counsel for the parties.

2. By this petition, the petitioner seeks a direction to the respondents to take decision on the petitioner’s tender forthwith and consequential reliefs. Shri R.V.More, learned Advocate on behalf of respondent

nos.1 and 2, states that the decision on the tender process has been taken and the entire process is cancelled. They have also started fresh process of calling tenders. In such circumstances, there is no need to keep the petition pending on the averments made therein.

3. The civil application for amendment of the petition is made to include in the petition the facts and challenge to the issuance of fresh process. Since that is an independent cause of action available to the petitioner, reserving it to the petitioner, the writ petition is dismissed. The civil application also disposed of.